

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 4168 OF 2013

Siba Prasad Mishra

....

Petitioner

Mr. Biswanath Behera, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.T.K.Praharaj, SC

**CORAM:
JUSTICE M.S.SAHOO**

**ORDER
18.5.2022**

Order No.

- 4.**
1. This matter is taken up by hybrid mode.
 2. None appears for the petitioner when the matter is called.
 3. None had appeared for the petitioner when the matter was last taken up on 4.5.2022.
 4. On 19.4.2022, learned counsel for the petitioner sought for adjournment to trace out the case brief which was granted.
 5. On 25.3.2022 when the matter was taken up, none had appeared for the petitioner and considering the matter in some detail and the submissions of the learned Standing Counsel, following order was passed :

“2. The Original Application having been transferred from the learned Orissa Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition, has been registered before this Court on 6.12.2021.

3. On perusal of available order sheets of the learned Tribunal it is indicated that the matter was taken up on 19.3.2014, 10.4.2014 and no notices were issued though the learned ASC had sought for time to obtain instruction.

4. When the matter was taken up on 14.7.2014 none had appeared and it was never

taken up for last eight years till it is listed today.

5. The O.A. was filed in the year 2013 by the applicant/petitioner for consideration of his case to be re-engaged as a Junior Soil Conservation Officer, Koraput in the establishment of O.P. No.3. It is further contended by the petitioner that his engagement was discontinued with effect from 20.9.2000, for which he had filed the O.A. for reinstatement and regularization of his services.

6. It is submitted by learned Standing Counsel that since the matter has been pending almost for nine years, nothing would survive for adjudication considering the nature of grievance.

7. It is further submitted by learned Standing Counsel referring to the counter affidavit before the learned Tribunal dated 13.10.2014 that the petitioner's contention regarding reinstatement and regularization is misconceived inasmuch as his engagement was for a period of fortyfour days basis and he was to be relieved from engagement on 28.11.1992. The engagement was without following any procedure nor pursuant to any advertisement, rather was in the form of pick and choose considering exigency of work.

8. Having heard learned Standing Counsel, the matter is adjourned to 19.4.2022 to grant another opportunity to the petitioner."

5. Learned Standing Counsel reiterates the submissions on behalf of State as noted in the order dated 8.4.2022.

6. Having heard learned Standing Counsel, the matter is disposed of for non-prosecution.

(M.S.Sahoo)
Judge

dutta